

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUBEN RICHARD CRAIG, III

Petitioner,

v.

DiGUGLIELMO, *et al.*,

Respondents.

Civil Action No. 09-276 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on November 2, 2009 was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [15], filed on July 30, 2010, recommends that the Respondents' motion to dismiss [10] be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Graterford, where he is incarcerated, and on Respondents. To date, no objections to the Report and Recommendation have been filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23<sup>rd</sup> day of August, 2010,

IT IS ORDERED that the Respondents' motion to dismiss [10] the instant habeas petition be, and hereby is, DENIED. The Report and Recommendation of Magistrate Judge Baxter, filed on July 30, 2010 [15], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge